Supreme Court, U. S.
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IN THE

Supreme Court of the United States

October Term 1976

No. 76-370

SAM P. GARRISON,

Petitioner

v.

FLOYD STRICKLAND, JR.,

Respondent

SUPPLEMENT TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

RUFUS L. EDMISTEN
Attorney General

RICHARD N. LEAGUE
Assistant Attorney General

Post Office Box 629
Raleigh, North Carolina 27602

Telephone: (919) 829-7188

ATTORNEYS FOR PETITIONER

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TO: THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE UNITED STATES SUPREME COURT, WASHINGTON, D. C.:

The petitioner, Sam P. Garrison, supplements the petition previously filed by him on September 11, 1976 to show the Court that after the filing of the petition, the Ninth Circuit decision of *United States v. Pheaster*, was publicized in 19 CrL 2938 (Sept. 29, 1976). In that case, the Ninth Circuit failed to give preclusive effect to the fact that investigating officers initiated the conversation at which the accused subsequently confessed, even though the accused had previously asked for counsel. As previously set out in this petition, the Fourth Cir-

cuit gave preclusive effect to that fact. Therefore, a conflict between these two circuits exists, and this provides an additional reason for granting this writ. A further examination of the authority set out in the *Pheaster* case indicates that the Fifth Circuit is in accordance with the Ninth, *United States v. Grady*, 423 F2d 1091 (5 Cir 1970). For this additional reason, petitioner respectfully prays this Honorable Court to issue the writ of certiorari previously sought by it.

Respectfully submitted,

RUFUS L. EDMISTEN
Attorney General

Richard N. League
Assistant Attorney General

ATTORNEYS FOR PETITIONER

Justice Building
Post Office Box 629
Raleigh, North Carolina 27602

Telephone: (919) 829-7188